

## JURISDICTION:

General Reference:

### Basis for a Speed Law Violation:

Basic Speed Rule:

## COLORADO

This chapter summarizes Colorado State statutes related to speed.  
Colorado Revised Statutes and Code of Colorado Regulations (CCR)

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions then existing. §42-4-1101(1)

Statutory Speed Limit:  
See Other below.

65 MPH<sup>1</sup> on the interstate system<sup>2</sup> §42-4-1101(2)(g)  
55 MPH<sup>1</sup> on an open highway not on the interstate system<sup>2</sup> §42-4-1101(2)(f)  
30 MPH in a residence district<sup>3</sup> §42-4-1101(2)(c)  
40 MPH on open mountain highways<sup>3</sup> §42-4-1101(2)(d)  
25 MPH in a business district §42-4-1101(2)(b)  
20 MPH on narrow, winding mountain highways or blind curves §42-4-1101(2)(a)

Posted (Maximum) Speed Limit:

I. State and local authorities, based on traffic investigations and surveys, may alter (increase or decrease) the above speed limits.<sup>4</sup> Exceeding this speed limit is *prima facie* evidence that such speed was not reasonable. However, no posted speed limit may be >75 MPH. §§42-4-1101(2)(h) & (4) and 42-4-1102  
II. The State, based on traffic investigations and surveys, may establish maximum speed limits for elevated structures. §42-4-1104(2)  
III. The State may establish highway maintenance, repair and construction zones. Such a zone must be posed with appropriate signs that designate that "double fines" are in effect for speeding violations that are committed in such zones. §42-4-613

Minimum Speed Limit:

I. A person shall not drive a motor vehicle at such a slow speed so as to impede or block the normal and reasonable forward movement of traffic. §42-4-1103(1)  
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §42-4-1001(2)

Posted (Minimum) Speed Limit:

The State or local authorities, based on traffic investigations and surveys, may post a minimum speed limit on any part of a highway. §42-4-1103(2)

### Basis for a Speed Law Violation: (continued)

Other:

I. 45 MPH for all vehicles in the business of transporting trash<sup>3</sup> §42-4-1101(2)(e)  
II. A person shall not drive a vehicle over any bridge or other elevated structure at an unsafe speed. §42-4-1104(1)

### Adjudication of Speed Law Violations:

<sup>1</sup>Based upon traffic investigations and surveys, the posted maximum limit may be increased to 75 MPH. §42-4-1102

<sup>2</sup>It is a per se violation (not a *prima facie* violation) to operate a motor vehicle above this speed limit. §42-4-1101(8)

<sup>3</sup>Operating a motor vehicle in excess of this speed limit is *prima facie* evidence that such speed was not reasonable or prudent under the conditions then existing. §42-4-1101(4)

<sup>4</sup>Note: Colorado law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day. However, the law provides that signs may be erected directing traffic to use certain lanes. §42-4-1007(1)(c) This provision can be used to limit the speed of certain vehicles (e.g., trucks) on specific highway lanes.

## COLORADO

Civil/Criminal Adjudication of Violation: Except as Noted Under Miscellaneous Sanctions, All Speed Law Violations are Class A Traffic Infractions. §§42-4-603(5), 42-4-1001(4), 42-4-1101(12), 42-4-1103(5), 42-4-1104(4) & 42-4-1701(1)

Other:

### Sanctions Following an Adjudication of a Speed Law Violation:

#### Criminal Sanctions:

##### Imprisonment:

Term (Day, Month, Years,  
Etc.):

**None**

##### Mandatory Minimum Term:

##### Fine:

Amount (\$ Range):

**\$15 to \$100** §42-4-1701(3)(a)(I)

Mandatory Min. Fine (\$):

Per Penalty Schedule<sup>5</sup> §42-4-1701(4)(a)(I)(L)

#### Other Penalties:

##### Traffic School:

A person may be required to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. §42-4-1717

##### Other:

**Double Fines.** The penalties and surcharges imposed for speeding offenses are **doubled** if the offense occurred in either (1) a maintenance, repair, or construction zone or (2) a "school zone." §§42-4-613, 42-6-615 and 42-4-1701(4)(c) & (d)

---

<sup>5</sup>The following fines and surcharges respectively are levied for speeding violations. Fifteen dollars (\$15) and \$2 for going 1 to 4 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Thirty-five dollars (\$35) and \$4 for going 5 to 9 MPH over either the reasonable and prudent speed or the 75 maximum limit. Fifty dollars (\$50) and \$6 for going 10 to 19 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. One hundred dollars (\$100) and \$12 for going 20 to 24 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Thirty-five dollars (\$35) and \$4 for failure to decrease speed when hazardous conditions exist. Fifteen dollars (\$15) and \$2 for violating either the minimum speed law (§42-1-1103) or posted maximum speed limits on elevated structures (§42-4-1104). §42-4-1701(4)(a)(I)(L)

Licensing Action:	
Type of Licensing Action	
(Susp/Rev):	<b>Suspension via a Point System<sup>6</sup></b> §42-2-1271
<u>Sanctions Following an Adjudication of a Speed Law Violation:</u>	
(continued)	
Term of License Withdrawal	
(Days, Months, Years, etc.):	Not more than <b>1 year</b> §42-2-132(1)
Mandatory Minimum Term of	
Withdrawal:	<b>None</b> A probationary license with restrictions may be issued §42-2-127(12)
Miscellaneous Sanctions	
Not Included Elsewhere:	Driving 25 MPH or more in excess of either the reasonable and prudent speed or the 75 MPH maximum limit is a Class 2 Misdemeanor Traffic Offense. §42-4-1101(12) The sanctions for this offense are a jail term of 10 to 90 days and/or a fine of \$10 to \$300. §42-4-1701(3)(a)(II)
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Racing on Highway:</u>	Speed Contest Class 2 Misdemeanor Traffic Offense §42-4-1105(1) & (3)
Sanctions:	
Criminal Sanction:	
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<b>\$10 to \$300</b> §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Fine:	<b>None</b>

<sup>6</sup>**Point System. I. Point Accumulation.** A driver's license is subject to suspension if they accumulate either 12 points within 12 consecutive months or 18 points with 24 consecutive months. For provisional drivers, suspension would occur if they accumulate either 9 points within 12 consecutive months, 12 points within any 24 consecutive months or 14 points from the time the provisional license was issued. In the case of minor drivers, suspension would occur if they accumulate either 5 points within 12 consecutive months or 6 points from the time the license was issued. For chauffeurs, suspension would occur if they accumulate (while in the course of employment) either 16 points in 1 year, 24 points in 2 years or 28 points in 4 years. §42-2-127(1)(a) **II. Point Schedule.** The following points are assigned for speeding violations. Three (3) points for going 5 to 9 MPH over either the reasonable and prudent speed or 5 to 9 MPH over the maximum lawful speed limit of 75 MPH. Four (4) points for going 10 to 19 MPH over either the reasonable and prudent speed or 10 to 19 MPH over the maximum law speed limit of 75 MPH. Six (6) points for going 20 to 39 MPH over either the reasonable and prudent speed or 20 to 39 MPH over the maximum law speed limit of 75 MPH. Twelve (12) points for going 40 MPH or more over the reasonable and prudent speed or 40 MPH or more over the maximum law speed limit of 75 MPH. Three (3) points are assessed for a failure to reduce speed when a special hazard exists. And, 3 points are assessed for other moving violations. No points are assessed for going 1 to 4 MPH over either the reasonable and prudent speed or 1 to 4 MPH over the maximum law speed limit of 75 MPH. §42-2-127(5)(f) & (r) Important. No points can be assessed against a person's driving record if the original citation was issued via an "automated vehicle identification system." §§42-2-127(5.5) & 42-4-110.4(3)

## COLORADO

Administrative Licensing Action:  
Licensing Authorized and  
Type of Action:

**Suspension via a Point System**<sup>6</sup> §42-2-127 For this offense, a driver is assessed 12 points which results in suspension under the point system. §42-2-127(1)(a) & (5)(c)

Length of Term of  
Licensing Withdrawal:  
Mandatory Action--Minimum  
Length of License  
Withdrawal:

Not more than **1 year** §42-2-132(1)

**None** A probationary license with restrictions may be issued §42-2-127(12)

Other:

A person may be required to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. §42-4-1717

### Other Criminal Actions Related to Speeding: (continued)

Reckless Driving<sup>7</sup>:  
Sanction:  
Criminal:  
Imprisonment (Term):

Class 2 Misdemeanor Traffic Offense §42-4-1401

Mandatory Minimum Term  
of Imprisonment:  
Fine (\$ Range):

1st offense-10 to 90 days §42-4-1701(3)(a)(II)(A) 2nd or subsequent offense-10 days to 6 months §42-4-1401(2)

Mandatory Minimum Fine:

**None**  
1st offense-\$10 to \$300 §42-4-1701(3)(a)(II)(A) 2nd or subsequent offense-\$50 to \$1,000 §42-4-1401(2)  
**None**

Administrative Licensing Actions:  
Type of Licensing Action  
(Susp/Rev):

**Suspension via a Point System**<sup>6</sup> §42-2-127 For this offense, a driver is assessed 8 points. §42-2-127(1)(a) & (5)(d)

Administrative Licensing Actions:  
Type of Licensing Action  
(Susp/Rev): (continued)

**Revocation** for 3 reckless driving offense convictions within 3 years §42-2-125(1)(f)

Length of Term of License  
Withdrawal Action:

**Suspension** for not more than **1 year** §42-2-132(1)  
**Revocation** for **1 year** §42-2-132(2)

Mandatory Term of License  
Withdrawal Action:

**Suspension** in not mandatory. A probationary license with restrictions may be issued. §42-2-127(12)  
**Revocation** is for a mandatory period of **1 year**. §42-2-132(2)

Other:

A person may be required to attend a course of instruction on traffic laws,

---

<sup>7</sup>Operating a motor vehicle in either a wanton or a willful manner so as to disregard the safety of either persons or property. §42-4-1401(1)

COLORADO

	hazardous driving situations and accident prevention. §42-4-1717
<u>Careless Driving</u> <sup>8</sup> :	Class 2 Misdemeanor Traffic Offense or, if there is bodily injury or death to another person, Class 1 Misdemeanor Traffic Offense §42-4-1402(2)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>Non injury/death related offense-10 to 90 days</u> <u>Injury/Death related offense-10 days to 1 year</u> §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Term of Imprisonment:	<b>None</b>
Fine (\$ Range):	<u>Non injury/death related offense-\$10 to \$300</u> <u>Injury/Death related offense-\$100 to \$1,000</u> §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Fine:	<b>None</b>
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Careless Driving:</u> (continued)	
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension via a Point System</b> <sup>6</sup> §42-2-127 For this offense, a driver is assessed 4 points. §42-2-127(1)(a) & (5)(e)
Length of Term of License	
Withdrawal Action:	Not more than <b>1 year</b> §42-2-132(1)
Mandatory Term of License	
Withdrawal Action:	<b>None</b> A probationary license with restrictions may be issued §42-2-127(12)
Other:	A person may be required to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. §42-4-1717

---

<sup>8</sup>Operating a motor vehicle without due regard for the width, grade, curves, corners, traffic and use of the streets and all other attendant circumstances. §42-4-1402(1)

## COLORADO

### Commercial Motor Vehicle (CMV) Operators:

#### Grounds for Suspension:

A person's CDL privilege is suspended, if while driving a CMV, they either (1) commit 2 "serious traffic violations" within a 3 year period or (2) commit 3 such violations within a 3 year period. §42-2-403(2) and 1 CCR 204-12(6) & (7)(d)

#### Period of Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §42-2-403(2) and 1 CCR 204-12(6) & (7)(d)

#### Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §42-2-403(2) and 1 CCR 204-12(6) & (7)(d)

---

<sup>9</sup>A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of  $\geq 26,001$  lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §42-2-402(4)(a)

<sup>10</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §42-2-403(2), 1 CCR 204-12(6) & (7)(d) and 49 CFR 383.5

**COLORADO**